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March 14B, 2003

EX PARTE

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

**Re: Application by Qwest Communications International Inc. for
Authority to Provide In-Region InterLATA Services in New
Mexico, Oregon and South Dakota; WC Docket No. 03-11**

Dear Ms. Dortch:

Qwest Communications International Inc. ("Qwest") submits this filing at the request of Commission staff to respond to the four claims raised by Eschelon in its Reply Comments in the above-referenced proceeding.¹

Day-of-Cut Outages and OP-5

Eschelon's first concern is that Qwest's OP-5, New Service Installation Quality, PID does not capture trouble reports submitted within 72 hours of installations that are related to "day-of-cut customer outages."² Qwest's process directs CLECs to report service problems within 72 hours of installation to Qwest's interconnect service center.

Eschelon's reference to "day of cut customer outages" is related to those UNE-P POTS conversions that require a Disconnect order followed by a New connect order to affect the conversion. Qwest's analysis indicates that the percentage of Wholesale orders impacted with day-of-conversion outages is *de minimis* in nature. Indeed, 99.9% of all Disconnect-New orders are consistently provisioned through Qwest systems without any significant outage time.³

¹ See Reply Comments of Eschelon Telecom, Inc., WC Docket No. 03-11, February 27, 2003, ("Eschelon Reply Comments") at 1-4.

² See *id.* at 2.

³ Regardless of the infrequent occurrence of this event, Qwest has addressed this issue by agreeing to modify the OP-5 PID.

During an ad hoc Long Term PID Administration meeting on February 12, 20003, Qwest proposed to CLECs and state commissions to include all Qwest-caused repair reports from its maintenance and repair tracking systems, and also Qwest-caused reports of service-affecting problems captured from calls, to Qwest's interconnect service centers (referred to as Call Center Data) as a component of OP-5. Such call center data would include day of conversion outage reports, as well as post-completion reports attributed to service order errors. This proposal effectively addressed all concerns associated with new service installation repair reports by capturing in the OP-5 PID all valid Qwest-caused service affecting problems relating to LSR/Service Order mismatches, outages on the date of installation, and service affecting problems for 30 days after service installation.⁴

Ordering DS1 Capable Loops

Eschelon claims that it was unable to submit LSRs through IMA for DS1-capable loops in Oregon for a short period of time earlier this year, and that, when Eschelon was later able to submit such LSRs, Qwest made unilateral changes to the interconnection agreement between the parties and charged Eschelon a higher rate for these loops.

On January 18, 2003, Qwest issued IMA Release 11.1, which implemented enhanced system edits that validated contractual rates based on tariffs and corresponding USOCs and Classes of Service. Because of a problem relating to this release, Eschelon and three other CLECs were not able to submit LSRs via IMA for DS1 Capable Loops for three weeks.⁵ These CLECs therefore were advised to submit orders for DS1-capable loops via facsimile between January 18 and February 7, 2003. During this three-week period, Eschelon generated a mere 10 LSRs for DS1-capable loops. Regardless, Qwest soon implemented a fix so that Eschelon and these other CLECs were able to submit LSRs via IMA for DS1-capable loops beginning on February 10, 2003. Eschelon claims that when it first tried to submit LSRs for DS1-capable loops via facsimile, Qwest informed it that Eschelon did not have the right to order such loops with basic installation (*i.e.*, without testing) under its contract.⁶ It is not clear to Qwest why Eschelon is raising this issue,

⁴ In January 2003, for example, Qwest received 11 CLEC calls reporting an out of service or outage condition out of 8,479 completed LSRs associated with multiple orders (conversion related), resulting in a relative error rate of 0.12%. In February 2003, Qwest received seven calls from CLECs out of 6,433 conversion LSRs, and a corresponding 0.11% relative error rate.

⁵ Qwest determined during its investigation that a previous release caused the error but that the error was not triggered until the January 18 release of IMA 11.1. Qwest has since reviewed its release quality checklist and has revised it to ensure that this same issue does not arise in future releases.

⁶ See Eschelon Reply Comments at 3.

because Eschelon continued to order DS-1 capable loops without testing after this period, and Qwest has been provisioning these loops as ordered.⁷

Around this same period, Qwest implemented voluntary rate reductions, which were Qwest announced on December 3, 2002, became effective January 22, 2003, and were implemented on February 10, 2003. These rate reductions affected the non-recurring charge associated with DS1-capable loops and also introduced, for the first time, price differences between the various installation and testing options for such loops.⁸ For instance, prior to February 10, 2003, CLECs were charged \$579.75 for DS1-capable loops with or without testing. After February 10, 2003, these same loops were priced at \$320.41 for DS1-capable loops with testing and \$124.67 for such loops without testing.

Today, Eschelon is ordering DS1-capable loops with basic installation without testing. Contrary to Eschelon's claim, it is not being charged for performance testing. Because the new rates were not implemented until February 10, these rates are not expected to appear in Eschelon's bills until February or March.

EDI Concerns

Eschelon claims to agree with the concerns expressed by WorldCom in its Comments regarding Qwest's EDI development processes.⁹ But Eschelon does not provide any specifics in connection with its assertion. Qwest has already responded to the concerns raised by WorldCom through Reply Comments.¹⁰ Those same explanations apply here.

Network Outages

Eschelon asserts that the frequency of Qwest-caused "major network outages" has sharply increased during January and February, 2003.¹¹ In its comments, Eschelon defines a "major network outage" as a Qwest-caused outage impacting 25 lines or more with multiple customers with a common cause. Eschelon further states that the

⁷ Qwest's representative was correct when it informed Eschelon that its contract in Oregon does not provide for DS1-capable loops with basic installation; but due to the unique situation of this configuration not having a separate price in Oregon until Qwest's February 10 commitment, Qwest has processed orders for DS-1-capable loops in Oregon without testing.

⁸ See Notice from Larry Christensen, Director of Business Development, Qwest, January 27, 2003.

⁹ See Eschelon Reply Comments at 4.

¹⁰ See Reply Comments of Qwest Communications International Inc., WC Docket No. 03-11, February 27, 2003, at 23-41; Reply Declaration of Lynn M V Notarianni and Christie L. Doherty, Operations Support Systems, at ¶¶ 5-34.

¹¹ Eschelon Reply Comments at 4.

majority of these outages have affected dedicated DS3 facilities. Qwest disagrees with this characterization for the following reasons:

- Eschelon's definition of "major" network outages is different than the definition established by the FCC for reporting network outages. None of the outages cited by Eschelon qualified as a FCC reporting event.

Qwest understands a major network outage to be one that triggers FCC reporting criteria.¹² None of the network outages cited by Eschelon qualified as a FCC reporting event. From January 2003 through February 25, 2003, Qwest experienced no Major Network Outages reporting events, based on the FCC criteria defining reportable outages. Furthermore, Qwest experienced only ten reportable Major Network Outages in 2002, which is minimal compared to the industry.

- Approximately 30% of the outages cited by Eschelon did not even meet Eschelon's definition of major network outages.

Eschelon provided additional information to Qwest under separate cover detailing 19 of the 21 instances depicted in Exhibit 48 of Eschelon's reply comments.¹³ None of the troubles identified by Eschelon occurred in the three states under consideration by the FCC in this proceeding. Qwest analyzed the 19 trouble tickets related to these instances and determined that four failed to meet Eschelon's definition of Major Network Outages impacting 25 lines/circuits or more. Two of the 19 tickets were identified as owned by other carriers, one of which also did not fit Eschelon's definition of Major Network Outage. The remaining 13 tickets involved a variety of products impacted by troubles related to DS3 level circuits, including non-dedicated DS3 facilities. However, it is important to note that DS3 trouble reports are not necessarily Major Network Outages. Indeed, as discussed below, trouble reports do not always indicate that trouble is in the Qwest network.

As noted above, Eschelon did not provide detail on two of the 21 network trouble reports it cites. One of the two reports was associated with multiple trouble tickets in Phoenix, Arizona. Unusually wet weather in the area introduced water to a copper cable causing customer troubles. Qwest was unable to recreate the Eschelon services impacted by this trouble because the corresponding trouble tickets were not provided to Qwest. Copper cable is not used for providing services above DS1 in the circuit hierarchy so there is little likelihood that this trouble impacted an Eschelon dedicated DS3 facility. The

¹² See 47 CFR § 63.100.

¹³ Eschelon's supporting data for Exhibit 48 contained 21 incidents while identifying only 19 trouble reports. Qwest research focused only on valid trouble reports – that is, those with a valid Qwest trouble ticket.

second trouble report cited by Eschelon relates to a DS3 outage that was corrected prior to receiving a trouble report from Eschelon.

- Approximately 60% of the network outages cited by Eschelon were not “Qwest-caused.”

Of the 19 instances Eschelon was able to support with a Qwest trouble ticket, 13 were not attributable to problems isolated to the Qwest network. For 10 of the 19 trouble tickets, Eschelon was unable to isolate the source of the problem in either Eschelon’s or Qwest’s network and issued Assist Test (“AT”)¹⁴ or Performance Monitor (“PM”) trouble tickets to Qwest. It is Qwest’s process to issue a subsequent Customer Request (“CR”) trouble ticket for those AT trouble reports that may be the result of a Qwest-caused trouble. Of the 9 AT reports, only two resulted in a subsequent CR report, both of which were determined to be No Trouble Found (“NTF”) in the Qwest network. One trouble ticket did not authorize intrusive testing and was closed to INF or informational and does not qualify as a Qwest-caused trouble. None of these trouble reports were found to be dispositive of Qwest-caused troubles. Furthermore, the PM report was for another carrier and also would not fit into Eschelon’s definition of Major Network Outage impacting 25 lines/circuits or more.

For the remaining six trouble reports, one was for a circuit owned by a carrier other than Eschelon and two were for circuits that impacted fewer than 25 lines. The Mean Time to Restore (MTTR) for the 5 remaining Qwest-caused Eschelon facility failures was three hours 15 minutes, with the average restoral time of 57 minutes for the three DS3 circuits (i.e., those impacting 25 or more lines).

- Eschelon’s trouble rate, as measured by carrier performance, is not sharply rising.

Finally, Qwest disagrees with Eschelon’s complaint that the number of network outages is increasing. Review of the supporting documentation for the 21 major network outages cited by Eschelon reveals a mix of services, causes, and facility ownership. Additionally, included in this data are two tickets for interstate access circuits, which are not local competitive services. Therefore, there is little correlation between Exhibit 48 and the trouble rate Eschelon, as a CLEC, is experiencing with Qwest.

Nevertheless, Qwest reviewed Eschelon’s wholesale commercial performance captured by the PID MR-8 for the states of Arizona, Colorado, Minnesota,

¹⁴ Assist Tickets are placed when a CLEC requests assistance in testing by Qwest to sectionalize and/or isolate trouble in the CLEC network or equipment and is normally closed to an Information (INF) trouble code.

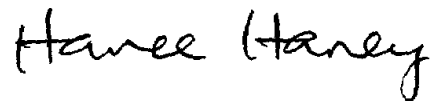
Oregon, Utah, and Washington¹⁵ and has determined that the trouble rate for January is consistent with the trouble rates experienced by Eschelon in previous months. The trouble rates for Eschelon are stable over time and range from 0.40% to 1.33% for the months of October 2002, through January 2003. For January, the trouble rate for Eschelon ranged from 0.44% to 1.33%. Qwest has not yet published February commercial performance but has no reason to anticipate any significant rise in Eschelon's overall trouble rate for the product groups represented in the 21 incidents Eschelon cites in its Exhibit 48.

* * *

Eschelon also included in its Reply Comments a copy of a letter to Qwest identifying issues that the parties are working to resolve together.¹⁶ Qwest is in the process of preparing a response to Eschelon's letter and will provide the Commission with a copy of that response when it becomes available shortly.

The twenty-page limit does not apply to this filing. Please contact the undersigned if you have any questions concerning this submission.

Respectfully submitted,



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¹⁵ These are the Qwest states where Eschelon performance data exists.

¹⁶ See Eschelon Reply Comments, Exhibit 47.